

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

H. BRUCE BOAL and SCOTT LEE BOAL
A Partnership d/b/a BOALEECO,

Plaintiffs,

V.

Civil Action No. 04-12634-NG

FLEETBOSTON FINANCIAL CORPORATION
(f/k/a Fleet National Bank),

Defendant.

**JOINT PRETRIAL SCHEDULING STATEMENT
PURSUANT TO LOCAL RULE 16.1**

Pursuant to the request of Hon. Nancy Gertner in open court on January 19, 2005 that counsel for the parties confer and submit a Joint Pretrial Scheduling Statement in lieu of appearing for a separate Scheduling Conference, and in accordance with Federal Rule of Civil Procedure 16(b) and Local Rule 16.1, counsel for plaintiffs H. Bruce Boal and Scott Lee Boal, A Partnership d/b/a Boaleeco (“Boaleeco”) and counsel for defendant Fleet National Bank (“Fleet”), erroneously named FleetBoston Financial Corporation, hereby submit the following:

A. Proposed Pretrial Schedule:

<u>Event</u>	<u>Deadline</u>
1. Motion to Amend and/or Add Additional Parties	30 days after Fleet produces a copy of the Standby Letter of Credit Presentment Documents to Boaleeco
2. Completion of Automatic Disclosures	February 28, 2005 ¹

¹ If additional parties are added to the case through amendment of the Complaint, counsel for all parties will confer to discuss a deadline for any necessary additional Automatic Disclosures to be served.

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| 3. | Completion of all Fact Discovery, including all Depositions | 90 days after entry of Order on Boaleeco's Motion to Amend or, if no Motion to Amend is filed, 90 days after the deadline for filing a Motion to Amend |
| 4. | Opening Expert Reports | 30 days after Deadline for Completion of Fact Discovery |
| 5. | Rebuttal Expert Reports | 21 Days after Deadline for Opening Expert Reports |
| 6. | Completion of Expert Discovery, if necessary | 30 Days after Deadline for Rebuttal Expert Reports |
| 7. | Filing of Summary Judgment Motions | 30 Days after Deadline for Completion of Expert Discovery |
| 8. | Filing of Oppositions to Summary Judgment Motions | 21 Days after Deadline for Filing of Summary Judgment Motions |
| 9. | Oral Argument on Summary Judgment Motions | To be Determined by the Court |
| 10. | Final Pretrial Conference, if necessary | To be Determined by the Court |
| 11. | Trial | To be Determined by the Court |

Because most of the deadlines set forth in this Proposed Pretrial Schedule are to be determined based upon the date on which Fleet produces certain documents to Boaleeco, counsel for the parties will supplement this Joint Pretrial Scheduling Statement with fixed dates, which will be submitted to the Court, once they are known.

B. Settlement Proposal:

Settlement outside of litigation does not appear possible at this time given the nature of the dispute.

C. Certification of Counsel Regarding Budget and Alternative Dispute Resolution:

Certifications signed by counsel and a representative of each party affirming that the party has conferred with counsel regarding establishing a budget for the costs of litigation and regarding use of alternative dispute resolution in this litigation will be submitted to the Court in a supplemental filing as soon as possible.

Respectfully submitted,

H. BRUCE BOAL AND SCOTT LEE
BOAL, A PARTNERSHIP D/B/A
BOALEECO,

By their Attorneys,

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FLEET NATIONAL BANK, ERRONEOUSLY
NAMED FLEETBOSTON FINANCIAL
CORPORATION,

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Dated: January 26, 2005

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